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(M+5)

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: MAIL STOP PETITION, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, ON THE DATE INDICATED BELOW.

BY: Louise Drain

DATE: August 25, 2003 #39

PATENT
MAIL STOP PETITION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: U.S. Patent No. 4,964,736

Patent Date: October 23, 1990

Appl. No.: 07/331,091

Filing Date: March 27, 1989

For: IMMERSION MEASURING
PROBE FOR USE IN MOLTEN
METALS

Attorney Docket No.
925-145RX

Adjustment date: 09/02/2003 AKELLEY
08/28/2003 AMOHDAF1 00000032 4964736
09/02/2008 AKELLEY 00000025 4964736 \$4790.00 OP

**PETITION UNDER 37 C.F.R. §1.378(c) TO
REINSTATE AN UNINTENTIONALLY EXPIRED PATENT**

Electro-Nite Co, the assignee of the above-identified patent, by its undersigned attorney, hereby petitions the Commissioner to accept an unintentionally delayed maintenance fee payment for the above patent, and to reinstate the patent under 35 U.S.C. §41(c)(1). The third (eleven and one-half year) maintenance fee for the above patent was due to be paid on April 24, 2002, and the six-month grace period and hence the patent, expired on October 23, 2002. This Petition is being filed within the twenty-four month period after the six month period provided in C.F.R. §1.362(e).

In support of this Petition, assignee submits the following in accordance with 37 C.F.R. §1,378(c):

1. Enclosed is a Maintenance Fee Transmittal Form and a check in the amount of \$4,790. This checks represents the third maintenance due in the amount of \$3,150.00 and the surcharge in the amount of \$1,640.00 as set forth 37 C.F.R. 1.20(i)(2). The Patent Office is hereby authorized to charge any deficiency in the fees due or credit any payment to our

08/25/2003 AMOHDAF1 00000032 4964736

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OFFICE OF PETITIONS

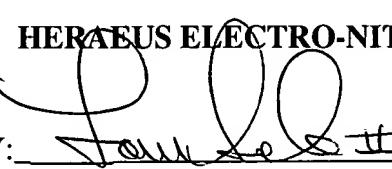
Deposit Account No. 50-1017. An additional copy of this paper is enclosed for accounting purposes.

2. The undersigned hereby affirms that the entire delay in payment of the second maintenance fee was unintentional.

In view of the above, granting of this Petition, acceptance of the delayed payment of the maintenance fee, and reinstatement of the above patent are appropriate and are respectfully requested.

Respectfully submitted,

HERAEUS ELECTRO-NITE CO.

BY: 

August 25, 2003

LOUIS SICKLES II

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LS/lcd
Enclosures

AUG 27 2003

MAINTENANCE FEE TRANSMITTAL FORM

Address to:
United States Patent and Trademark Office
 P.O. Box 371611
 Pittsburgh, PA 15250-1611

Enclosed herewith is the payment of the maintenance fee(s) for the listed patent(s).

1. A check in the amount of \$4,790.00 for the full payment of the maintenance fee(s) and any necessary surcharge on the following patents is enclosed.
2. The Director is hereby authorized to charge _____ to cover the payment of the fee(s) indicated below to Deposit Account No. 50-1017.
3. The Director is hereby authorized to charge any deficiency in the payment of the required fee(s) or credit any overpayment to Deposit Account No. 50-1017.

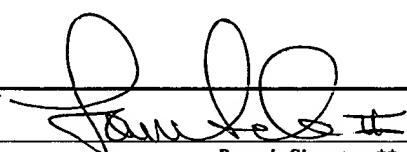
* Information required by 37 CFR 1.366(c)(columns 1 & 5). Information requested under 37 CFR 1.366(d) (columns 2-4 & 6-9)

Item 1	Patent Number* 2	Fee Code (see below) 2	Maintenance Fee Amount (37 CFR 1.20) 3	Surcharge Amount 4	U.S. Application Number* [06/555,555] 5	Patent Date mm/dd/yy 6	Application Filing Date mm/dd/yy 7	Payment Year 8	Small Entity? 9
1	4,964,736	1553	3150		331,091	10/23/90	03/27/89	12	No
2	4,964,736	1558		1640	331,091	10/23/90	03/27/89		
3									
4									
5									
6									
7									
8									
Sub-totals / Columns 3 & 4			\$3,150	\$1,640					
Total Payment				\$4,790.00	Use additional sheets for listing additional patents.				

Maintenance Fee Codes: Surcharge - Late Payment within 6 months:

1551 (2551 for small entity).....Due at 3.5 years.....1554 (2554 for small entity)
 1552 (2552 for small entity).....Due at 7.5 years.....1555 (2555 for small entity)
 1553 (2553 for small entity).....Due at 11.5 years.....1556 (2556 for small entity)
 1557.....Surcharge after expiration - Late payment is unavoidable
 1558.....Surcharge after expiration - Late payment is unintentional

[For Office Accounting Use Only]



Payor's Signature**

Payor's Name** and Fee Address

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Payor's Number (if assigned) 00570

I certify that this document and fee is being deposited on _____ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to "United States Patent and Trademark Office, P.O. Box 371611, Pittsburgh, PA 15250-1611"

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence